

410-11

G. MICHAEL PEIRCE, ESQ.

ATTORNEY AT LAW

March 2, 2012

IN HAND DELIVERY

Chairman Ted Hess-Mahan
Land Use Committee
Newton Board of Aldermen

Re: West Street Restaurant and Tavern/outdoor patio seating expansion/parking waiver

Dear Chairman Hess-Mahan:

I am again writing on behalf of Jessica Bianchi-Roche who is president of the family corporation which does business as West Street Restaurant and Tavern in Nonantum, along with her husband Karl. As you know from the planning department update memo many of the points discussed at the public hearing have been addressed to that department's satisfaction-respectfully it is our position that these efforts will have satisfied your committee as well.

In the main there were very few matters of substance raised at the hearing. We have successfully addressed the need for access by public safety regarding the final design of the patio enclosure. I understand that any final details were worked out with Deputy Chief Castro. Similarly lighting and trash enclosure issues have also been resolved. Finally signage directing patrons to available municipal parking has also been attended to and that resolution is I believe in the planning memo.

The other concerns raised at the hearing came from a commercial/residential landlord abutter who had some questions regarding parking, possibly by restaurant patrons, in some spaces on her property which are 'live' spaces, used by here upper floor residential tenants. We have also addressed these matters with the agreement to have signage in the restaurant and on the menus, as well as the agreement to provide contact phone numbers so in the event that any patron should park in a tenant space that a quick call can go to a manager, etc. and the patron can be immediately located and required to have the car moved. Additionally we have offered to take certain additional steps regarding new signage for tenant spaces, snow removal, etc. which I expect will be incorporated into a side agreement, as I believe all agree they have no real place in a board order.

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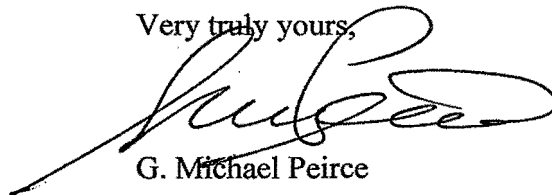
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Alderman Ted Hess-Mahan
March 2, 2012
Page 2

One final point must be noted. The business abutter raised concerns regarding the right of way, shown on our plans, which runs from West Street to her rear parking area. She indicated that at times cars (owners unidentified as to whether they are restaurant patrons or not, as that area is also the parking lot for her adjoining commercial property abutter) park or stand in that right of way. While parenthetically I have never been informed that that has ever been a time when her tenants could not actually get from West Street to her property this is actually an issue which we can not address. We do not own, lease or control that right of way although we certainly have discussed her concern with that owner. While we recognize that that owner is also our co-petitioner that property is not part of our petition.

We look forward to answering any final questions at working session. We are committed to having this local neighborhood restaurant continue to be a value to our area for years to come. The ability to provide this small outdoor area for those times when New England weather allow our patrons to enjoy themselves can go a long way in ensuring that our business thrives and sustains. We appreciate your support.

Very truly yours,



G. Michael Peirce

Cc: Land Use Committee
Alderman Scott Lennon, President
Alderman Allan Ciccone, Jr.